

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: April 10, 2012

SUBJECT: **BZA Case 18336** - request for a special exception approval in accordance with § 205 to continue and enlarge an existing child development center located in the Grace Evangelical Lutheran Church located at 4300 16th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends** approval of the requested special exception for the Grace Evangelical Lutheran Church / Amazing Life Games Preschool subject to the following conditions (changes from the previous conditions are shown in **BOLD** and *italicized*):

1. The child development center shall:
 - a. not exceed *thirty-five* children ages 2 ½ to 5 years;
 - b. have a maximum staff of 5 persons;
 - c. operate Monday through Friday from 8:30 A.M. to 6:00 P.M.;
 - d. ***coordinate the dropping off and picking up of children along Varnum Street;***
 - e. have drop-off hours between 8:45 A.M. and 9:30 A.M.; and
 - f. pick-up hours between 12:45 P.M. and 6:00 P.M.
2. ***The associated aftercare program at the center shall:***
 - a. ***not exceed thirty-five children ages 2 ½ to 8 years;***
 - b. ***have a maximum staff of 5 persons; and***
 - c. ***operate Monday through Friday from 3:00 P.M. to 8:00 P.M.***
3. A minimum of two on-site parking spaces shall be reserved for use by the Center.
4. The parking lot shall be stripped and maintained in a neat and orderly manner.

OP also is not opposed to special exception approval with no term limit.

II. LOCATION AND SITE DESCRIPTION:

Address:	4300 16 th Street NW
Legal Description:	Square 2646 Lot 0807
Ward:	4A
Lot Characteristics:	A rectangular corner lot with an area of 31,538 square feet (0.72 acre) that abuts Varnum and 16 th Streets NW, and a public alley 20 feet wide that extends north from Varnum Street (refer to Figure 4).



Zoning:	<i>R-1-B</i> – churches are allowed as matter of right uses and child development center uses are allowed by special exception in accordance with § 205.
Existing Development:	The church building occupies the southern half of the subject property. A series of angled paved parking spaces line the northern half of the western property boundary. These spaces are directly accessible from the abutting alley. A gated metal picket fence 6-foot tall extends north from the church along the edge of these spaces. Immediately east is a fenced area with mature trees, a vegetable garden, outdoor seating and a children's play area (reference Figures 1 and 2).
Historic District:	None
Adjacent Properties:	Two-story one-family dwellings and institutional uses across 16 th Street.
Surrounding Neighborhood Character:	Moderate density residential (reference Figure 4).

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Grace Evangelical Church, the owner of record.
Proposal:	<p>To continue operation of the Amazing Life Games Preschool child development center (ALG) use established in the church basement in accordance with the conditional special exception relief granted in 2006 under Application No. 17368. The application indicates that this use existed 34 years prior to relocating to the church site.</p> <p>The applicant proposed to continue center operations with the following changes:</p> <ul style="list-style-type: none">• Increase the maximum number of children served from 30 to 35.• Opening up the afterschool program to serve children up to 8 years of age. <p>No other changes were requested to the current approval conditions (reference Exhibit 1). The first change could increase the allowable capacity of the center and the second would allow in the associated aftercare program serve more of the children the ALC graduates.</p> <p>The applicant confirmed to the Office of Planning (OP) that the maximum number of children served by and number of staff to the afterschool program would be the same as the child development center. This information should be reflected in updated approval conditions.</p>
Relief Sought:	§ 205 – special exception approval to continue and expand the existing child development center use.

III. OP ANALYSIS

Compliance with § 205

205.2 The center shall be capable of meeting all applicable code and licensing requirements.

ALG has been licensed to operate a child development center in the District since 1972 and at this location since 2006. In a letter dated January 9, 2012, the Division of Early Childhood

Education, Office of the State Superintendent of Education (OSSE) recommended approval of this application. The letter noted that the facility's licensure capacity would be calculated based on the issued Certificate of Occupancy and the requirements of Title 29 of the DC Municipal Regulations.

- 205.3 *The center shall be located and designed to create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children or elderly persons.*

The center has relocated its drop-off and pick-up location from the alley to Varnum Street. This frontage is immediately accessible to the basement center entrance and signed for two-hour parking.

The District Department of Transportation (DDOT) supports

ALC continuing to transition children to and from the center along Varnum Street (reference § 205.9 below).

Figure 1



- 205.4 *The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

The center would continue to employ five staff persons, including the director. Section 2101.1 requires one space for each four child development center employees so the center is required to provide one on-site parking space. Currently, two onsite parking spaces are signed for the use of ALG employees from Monday through Friday.

One current approval conditions is that the parking spaces be stripped and well maintained. This is currently not the case (reference Figure 3). The applicant indicated that parking space re-stripping and pavement repairs have been scheduled.

- 205.5 *The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impact on nearby properties due to noise or activity, or other objectionable conditions.*

The first floor of the Grace Evangelical Lutheran Church is the primary location of activities for the child development center activities. A small internal courtyard and play area within the fenced stand of trees provide the on-site opportunities for outdoor play. Children under the supervision of at least three staff members also walk approximately three blocks to the Upshur Street Recreation Center at 14th Street and Arkansas Avenue.

ALG staff was not aware of any noise complaints stemming from outdoor activities at the center.

- 205.6 *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties.*

The Grace Evangelical Lutheran Church is a well-established religious institution. The early 20th century stone architecture and grounds are well maintained with mature landscaping. Since the last approval, an attractive 2 x 4-foot sign with the center name has been erected on a church railing above over the basement entrance to the center.

OP also noted that the wheeled trash dumpster and cans are located at the south end of the parking lot and easily accessible from the alley for collection. Trash is picked up twice a week on Tuesdays and Fridays, and recycling is picked up every Wednesday.

No special treatments are proposed beyond the above-referenced parking area refurbishment.

- 205.7 *Any off-site play area shall be located so as not to result in the endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.*

The Upshur Street Recreation Center is located at the corner of 14th and Arkansas Avenue. The center recreation period is scheduled from 10:00 to 11:30 A.M. when area traffic volumes are the low. At least three staff members escort the children along sidewalks approximately three blocks to the playground. There are traffic control signal and marked crosswalks at the 16th Street and Upshur Street, and 14th Street and Upshur Street intersection. There is no indication that traveling between the center and the recreation center raises any safety issues.

- 205.8 *The Board may approve more than one (1) child/elderly development center in a square or within one thousand feet (1,000 feet) of another child/elderly development center only when the Board finds that the cumulative effort of these facilities will not have adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*

OSSE did not indicate that there is another licensed child development center on Square 2646, or within 1,000 feet of the subject center.

- 205.9 *Before taking final action on an application for use as a child/elderly development center, the Board shall submit the application to the Department of Transportation and Human Services, the D.C. Office on Aging and the D.C. Office of Planning for review and written reports.*

DDOT did not express any concern about the proposed increase in a memorandum to the Board of Zoning Adjustment (BZA) dated March 22, 2012, provided the applicant informs all new visitors to continue to utilize Varum Street for pick-up and drop-off.

Figure 2



Figure 3



OP incorporated this stipulation into proposed approval condition 1(d) listed above.

205.10 Referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all the licenses requirements set forth in the applicable laws of the District of Columbia.

As noted above, OSSE filed a report with the Office of Zoning in support of this application.

Based on this review the application conditionally meets the standards for BZA approval. In response to an OP inquiry, ALG agreed with the proposed approval conditions.

IV. COMMUNITY COMMENTS

This application was forwarded to Advisory Neighborhood Commission (ANC) 4A for review and comment. However, Gale Black ANC4A8 single district representative indicated that no ANC resolution was forthcoming because this request was not controversial.

Ms. Black stated that the ANC supports what **Amazing Life Games Preschool** has done for the community, and promised to send a letter so stating to the case record file.

Figure 4



Board of Zoning Adjustment Order No. 17368

Approval Conditions

1. Approval shall be for SEVEN YEARS from the final date of this order.
2. Enrollment shall not exceed 30 children, ages 2 ½ to 5 years old.
3. The Center shall have a maximum of FIVE staff.
4. The days and hours of through Friday, 8 A.M. to 6 P.M.
5. A minimum of two parking spaces are to be reserved for use by the Center.
6. The parking lot shall be stripped and shall be maintained in a neat and orderly manner.